

REFERENCE TITLE: Arizona emissions bank; technical correction

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2186

Introduced by
Representatives Barnes: Reagan

AN ACT

AMENDING SECTION 49-410, ARIZONA REVISED STATUTES; RELATING TO AIR QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-410, Arizona Revised Statutes, is amended to
3 read:

4 49-410. Arizona emissions bank; program termination

5 A. The department of environmental quality shall establish and
6 administer an Arizona emissions bank. The department shall make information
7 on credits deposited in the Arizona emissions bank easily accessible to the
8 department of commerce and the public.

9 B. After the effective date of rules adopted pursuant to subsection D
10 of this section, a permitted source that reduces emissions of particulate
11 matter, sulfur dioxide, carbon monoxide, nitrogen dioxide or volatile organic
12 compounds by an amount greater than that required by applicable law, rule,
13 permit or order shall be granted credit in an amount to be determined by the
14 department of environmental quality. The credit shall be deposited into the
15 Arizona emissions bank. To be creditable for deposit in the Arizona
16 emissions bank, the reduction in emissions shall be permanent, quantifiable
17 and otherwise enforceable and shall occur after ~~the effective date of this~~
18 ~~section~~ AUGUST 6, 1999. This section does not prohibit a source from
19 receiving credit by means other than the Arizona emissions bank for emissions
20 reductions that occurred before ~~the effective date of this section~~ AUGUST
21 6, 1999.

22 C. The department of environmental quality shall register, certify or
23 otherwise approve the amount of the credit before the credit is banked and
24 used to offset future increases in the emissions of air pollutants. The
25 credit may be used, traded, sold or otherwise expended within the same
26 nonattainment area, maintenance area or modeling domain in which the
27 emissions reduction occurred, only if there will be no adverse impact on air
28 quality. Pursuant to title 41, chapter 6, article 8, the department may
29 delegate certification of emissions credits to a county or multi-county air
30 quality control region, but shall retain authority to register credits and
31 administer the Arizona emissions bank.

32 D. On or before January 1, 2002, the department of environmental
33 quality shall adopt rules for the implementation and administration of the
34 Arizona emissions bank, and establish the criteria the department will use to
35 determine the amount of the emissions credit. The department shall establish
36 by rule a fee system to administer the Arizona emissions bank. A county that
37 has been delegated authority to certify emissions credits pursuant to
38 subsection C of this section shall establish a fee system to cover the
39 reasonable costs of certification in accordance with section 49-112,
40 subsection B. In setting the fee, the director and a county shall consider
41 the likely economic value of the credits and shall set a fee that does not
42 discourage the banking of emissions credit.

43 E. The program established by this section ends on July 1, 2009
44 pursuant to section 41-3102.